

AMENDED IN SENATE APRIL 25, 2011

**SENATE BILL**

**No. 43**

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**Introduced by Senator Liu**

December 8, 2010

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An act to add Section 18926.5 to the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 43, as amended, Liu. ~~Food Stamp~~ *CalFresh* Employment and Training program.

Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as ~~the CalFresh Program~~ *CalFresh* (formerly the Food Stamp Program), under which nutrition assistance benefits formerly referred to as food stamps, allocated to the state by the federal government, are distributed to eligible individuals by each county. Existing federal law requires all SNAP recipients, unless otherwise exempt, between 15 to 60 years of age, inclusive, who are physically and mentally fit, to register for employment and participate in the Food Stamp Employment and Training (FSET) program.

This bill would require a county that elects to participate in the FSET program, *which the bill would designate as the CalFresh Employment and Training program (CalFresh E&T)*, to screen CalFresh work registrants to determine whether they will participate in, or be deferred from, ~~the FSET CalFresh E&T~~ program, and would describe the criteria for deferral. The bill would authorize a CalFresh work registrant who is deferred from mandatory participation in ~~FSET CalFresh E&T~~ to request to enroll in the program as a voluntary participant. The bill would require a county that participates in the ~~FSET CalFresh E&T~~

program to screen work registrants to determine whether they will participate in, or be deferred from, the ~~FSET~~ *CalFresh E&T* program, and would authorize a deferred work registrant to request to enroll in the ~~FSET~~ *CalFresh E&T* program as a voluntary participant. The bill would defer an individual from mandatory placement in the ~~FSET~~ *CalFresh E&T* program under designated circumstances.

This bill, commencing October 1, 2012, would require a county that elects to participate in the ~~FSET~~ *CalFresh E&T* program to allow work registrants who are mandatorily placed in the program to meet the work requirements of the mandatory placement through self-initiated workfare, as defined.

This bill would require a county that elects to participate in the FSET program to demonstrate in its ~~FSET~~ *CalFresh E&T* plan how it is effectively using ~~FSET~~ *CalFresh E&T* funds, as specified, but would not be construed to require a county to offer a particular component as part of its ~~FSET~~ *CalFresh E&T* plan. The bill would impose specified requirements on these counties with respect to the use of ~~FSET~~ *CalFresh E&T* and other federal funds and the implementation of ~~FSET~~ *CalFresh E&T* and other workfare programs.

This bill would provide that it would not require a county to provide for workers' compensation coverage for ~~an FSET~~ *a CalFresh E&T* participant who elects to participate in self-initiated workfare, as specified.

This bill would require the department to adopt implementing regulations by October 1, 2013.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. It is the intent of the Legislature in enacting this
- 2 act to increase meaningful opportunities for employment and
- 3 ~~training in the Food Stamp Employment and Training (FSET)~~
- 4 ~~training in the CalFresh Employment and Training (CalFresh~~
- 5 ~~E&T)~~ program and assist CalFresh recipients in meeting the work
- 6 requirements of the CalFresh ~~Program~~ program.
- 7 SEC. 2. Section 18926.5 is added to the Welfare and
- 8 Institutions Code, to read:
- 9 18926.5. (a) For the purposes of this chapter, ~~“Food Stamp~~
- 10 ~~Employment and Training program” or “FSET” means the program~~

1 “*CalFresh Employment and Training program*” or “*CalFresh*  
2 *E&T*” means the program established under Section 6(d)(4)(B)  
3 of the federal Food Stamp Act (7 U.S.C. Sec. 2015), Section 273.7  
4 of Title 7 of the Code of Federal Regulations, and associated  
5 administrative notices published by the United States Department  
6 of Agriculture with the purpose of assisting members of food stamp  
7 households in gaining skills, training, work, or experience that will  
8 increase their ability to obtain regular employment.

9 (b) (1) A county that elects to participate in the ~~Food Stamp~~  
10 ~~Employment and Training (FSET)~~ *CalFresh Employment and*  
11 *Training (CalFresh E&T)* program, as authorized by the federal  
12 Food Stamp Act (7 U.S.C. Sec. 2029), shall screen CalFresh work  
13 registrants to determine whether they will participate in, or be  
14 deferred from, the ~~FSET CalFresh E&T~~ program. If deferred, a  
15 CalFresh work registrant may request to enroll in the ~~FSET~~  
16 *CalFresh E&T* program as a voluntary participant. An individual  
17 shall be deferred from a ~~CalFresh Program~~ mandatory placement  
18 in the ~~FSET CalFresh E&T~~ program if he or she satisfies any of  
19 the criteria in Sections 273.7 and 273.24 of Title 7 of the Code of  
20 Federal Regulations, or if he or she resides in a federally  
21 determined work surplus area.

22 (2) For purposes of this section, “deferred” has the same  
23 meaning as exempt.

24 (c) (1) A county that elects to participate in the ~~FSET CalFresh~~  
25 *E&T* program shall be required to demonstrate in its ~~FSET~~  
26 *CalFresh E&T* plan how it is effectively using ~~FSET CalFresh~~  
27 *E&T* funds for each of the components that the county offers,  
28 including, but not limited to, any of the following:

29 (A) Self-initiated workfare.

30 (B) Work experience or training.

31 (C) Education.

32 (D) Job search.

33 (E) The support services or client reimbursements needed to  
34 participate in subparagraphs (A) to (D), inclusive, as allowed by  
35 federal law and guidance.

36 (2) Nothing in this section shall be construed to require a county  
37 to offer a particular component as a part of its ~~FSET CalFresh~~  
38 *E&T* plan, *except to the extent required by subdivision (d)*.

39 (d) Commencing October 1, 2012, a county that elects to  
40 participate in the ~~FSET CalFresh E&T~~ program shall allow work

1 registrants who are mandatorily placed in the program to meet the  
2 work requirements of the mandatory placement through  
3 self-initiated workfare, as defined in paragraph (2), and shall inform  
4 the work registrant of this option.

5 (1) Nothing in this section shall be construed to require a county  
6 to provide for workers' compensation coverage for an ~~FSET~~  
7 *CalFresh E&T* participant who elects to participate in self-initiated  
8 workfare. Notwithstanding Division 4 (commencing with Section  
9 3200) of the Labor Code, a county shall have no duty to provide  
10 workers' compensation coverage for an ~~FSET~~ *a CalFresh E&T*  
11 participant who elects to participate in self-initiated workfare.

12 (2) For purposes of this chapter, "self-initiated workfare" means  
13 a public service placement in a public or private nonprofit agency  
14 that is initiated by the CalFresh recipient and for which the  
15 CalFresh recipient is responsible for documentation of hours.  
16 Self-initiated workfare shall be verified in the same manner as  
17 other work activity verification and shall meet the requirements  
18 established in Section 20 of the federal Food Stamp Act (7 U.S.C.  
19 Sec. 2029), and its ensuing regulations and administrative notices,  
20 including, but not limited to, Section 273.7 of Title 7 of the Code  
21 of Federal Regulations and USDA Administrative Notices 97-40  
22 and 97-58.

23 (e) Nothing in this section shall limit a county's ability to  
24 condition the receipt of nonmedical benefits under Section 17000  
25 on an individual's participation in an employment and training or  
26 workfare program of the county's choice, even if that program is  
27 financed in whole or part with ~~FSET~~ *CalFresh E&T* funds or match  
28 funds.

29 (f) Nothing in this section shall restrict the use of federal funds  
30 for the financing of FSET programs.

31 (g) Notwithstanding the rulemaking provisions of the  
32 Administrative Procedure Act (Chapter 3.5 (commencing with  
33 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
34 Code), the department may implement this section by all-county  
35 letters or similar instructions. Thereafter, the department shall  
36 adopt regulations to implement this section by October 1, 2013.